

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant.

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.; and

JEANNETTE FULLER HAUSLER, and WILLIAM
FULLER as court-appointed co-representatives of the
ESTATE OF ROBERT OTIS FULLER, deceased, on
behalf of all beneficiaries of the Estate and the ESTATE
OF ROBERT OTIS FULLER; and

ALFREDO VILLOLDO, individually, and GUSTAVO
E. VILLOLDO, individually and as Administrator,
Executor, and Personal Representative of the ESTATE
OF GUSTAVO VILLOLDO ARGILAGOS,

Petitioners,

v.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.),
et al.,

Respondents/Garnishees.

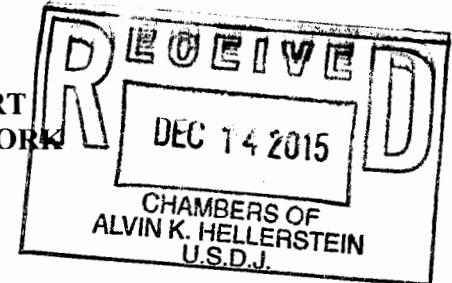
CITIBANK, N.A.,

Respondent/Garnishee and Third-Party
Petitioner,

v.

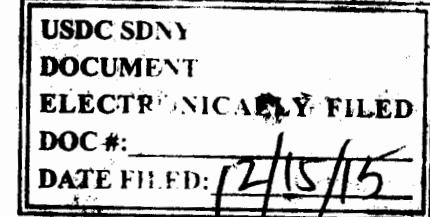
LUCIA SCHUEG NIELSEN and her HEIRS and
ASSIGNS, et al.,

Adverse Claimants-Respondents.



Case No. 12-CV-01596
(AKH)

**STIPULATION AND
[REDACTED] ORDER
CONCERNING SERVICE BY
PUBLICATION AND TURNOVER
OF ACCOUNT IN THE NAME OF
ACUEDUCTO YATERITAS, S.A.
HELD BY CITIBANK, N.A.**



(Dkt. No. 561)

WHEREAS, Citibank, N.A. ("Citibank") maintains a deposit account
blocked pursuant to the Cuban Assets Control Regulations, 31 C.F.R. part 515 (the

“CACRs”) in the name of Acueducto Yateritas, S.A. (the “Blocked Account”), which holds funds in the amount of approximately \$220,676.86 as of June 30, 2012;

WHEREAS, during the 1960s, various individuals asserted claims to the Blocked Account or otherwise purported to be the private shareholders of Acueducto Yateritas, S.A. (the “Individuals”);

WHEREAS, on February 12, 2014, Petitioners filed an Amended Omnibus Petition (ECF No. 423) seeking a turnover order with respect to, among other things, the aforementioned Blocked Account held by Citibank;

WHEREAS, on May 6, 2014, Citibank filed its Third-Party Petition Alleging Claims in the Nature of Interpleader (ECF No. 561) (the "Interpleader Petition") concerning, among others, the Blocked Account;

WHEREAS, in the Interpleader Petition, Citibank took the position that Petitioners should satisfy the Court that a specific agency or instrumentality of the Republic of Cuba allegedly owned the Blocked Account before ordering and approving a form of notice to summon the Individuals to the Court by publication;

WHEREAS, the Interpleader Petition was duly served on Petitioners and the Adverse Claimants-Respondents other than the Individuals (ECF No. 830), and the time for those Adverse Claimants-Respondents to respond to the Interpleader Petition has expired;

WHEREAS, on October 30, 2015, Petitioners filed a motion for summary judgment in connection with the Interpleader Petition in which they sought an order requiring Citibank to turn over to them the funds in the Blocked Account (ECF No. 846)

(the "Summary Judgment Motion"), presenting evidence that Acueducto Yateritas, S.A. is an agency or instrumentality of the Republic of Cuba (ECF No. 850);

WHEREAS, as a neutral stakeholder, and in light of the Petitioners' evidentiary showing and based on their agreement that it is appropriate to serve notice on the Individuals by publication in newspapers of general circulation, Citibank will not oppose the Summary Judgment Motion;

NOW, THEREFORE, IT IS STIPULATED AND AGREED that:

1. Petitioners and Citibank shall undertake to publish a notice, in the form attached hereto as Exhibit 1, in the *Miami Herald* and *El Nuevo Herald*, during a period of at least three (3) separate or consecutive days, beginning no later than ten (10) business days after this stipulation is so ordered. Citibank will advance all costs of publication, subject to reimbursement from any unclaimed amounts turned over to Petitioners. Citibank may, at its own expense, undertake any other appropriate measures reasonably calculated to provide notice of the pending turnover of the Blocked Account to the Individuals and to serve a copy of the Interpleader Petition and this Stipulation and Order on those Individuals.

2. The notice shall set forth a deadline thirty (30) days after the first date of publication (unless such date falls on a weekend or holiday, in which case the deadline shall be the first business day thereafter) (the "Notice Deadline"). Any of the Individuals, or any other person claiming to have an interest in the Blocked Account, must submit an objection to turnover, including evidence supporting their claim to the Blocked Account and the amount so claimed by that person, before the expiration of the Notice Deadline.

3. After the expiration of the Notice Deadline, Petitioners and Citibank shall submit a joint statement summarizing the steps taken to serve notice on the Individuals by publication and submitting any objections received in response to the published notice before the expiration of the Notice Deadline.

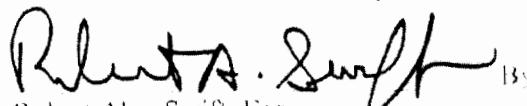
4. The Court may deem any funds held in the Blocked Account that were not claimed before the expiration of the Notice Deadline (the "Undisputed Amounts") to constitute the property of the Republic of Cuba and may immediately enter the [Proposed] Order and Judgment Concerning Turnover of the Account in the Name of Acueducto Yateritas, S.A. Held by Citibank, N.A. attached hereto as Exhibit 2 with respect to the Undisputed Amounts (the "Turnover Order").

5. If any objections are received prior to the expiration of the Notice Deadline, which assert a claim to any portion of the funds in the Blocked Account (the "Amounts in Dispute"), the Amounts in Dispute shall be excluded from the Turnover Order, and the Court shall hold further proceedings to adjudicate any disputes between Petitioners and the Individuals regarding those claims.

6 This stipulation may be signed in counterparts and by facsimile.

Dated: New York, New York
December 11, 2015

KOHN, SWIFT, & GRAF, P.C.



By
Robert Alan Swift, Esq.
1 South Broad Street, Suite 2100
Philadelphia, PA 19107
Phone: (215) 238-1700
Fax: (215) 238-1968
Email: rswift@kohnswift.com

Jeffrey E. Glen, Esq.
ANDERSON KILL P.C.
1251 Avenue of the Americas
New York, New York 10020
Phone (212) 278-1000
Fax: (212) 278-1733
Email: jglen@andersonkill.com

Attorneys for Aldo Vera, Jr.
COLSON HICKS EIDSON

By
Roberto Martinez, Esq.
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
Phone: (305) 476-7400
Fax: (305) 476-7444
Email: bob@colson.com

*Attorneys for Jeannette Fuller
Hansler*

HALL, LAMB AND HALL, P.A.

By
Andrew C. Hall, Esq.
Roarke Maxwell, Esq.
2665 South Bayshore Drive, PH1
Miami, Florida 33133
Phone: (305) 374-5030
Fax: (305) 374-5033
Email: ahall@hlhlfirn.com
rmaxwell@hlhlfirn.com

*Attorneys for Alfredo Villoldo and
Gustavo Villoldo*

DAVIS POLK & WARDWELL LLP

By
Michael S. Flynn, Esq.
450 Lexington Avenue
New York, New York 10017
Phone: (212) 450-4552
Fax: (212) 701-5552
Email: michael.flynn@davispolk.com

Attorneys for Citibank, N.A.

So-Ordered

Hon. Alvin K. Hellerstein
United States District Judge

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Jeffrey E. Glen, Esq.
ANDERSON KILL P.C.
1251 Avenue of the Americas
New York, New York 10020
Phone: (212) 278-1000
Fax: (212) 278-1733
Email: jglen@andersonkill.com

Attorneys for Aldo Vera, Jr.

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Roberto Martinez, Esq.
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
Phone: (305) 476-7400
Fax: (305) 476-7444
Email: bob@colson.com

*Attorneys for Jeannette Fuller
Hausler*

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450 Lexington Avenue
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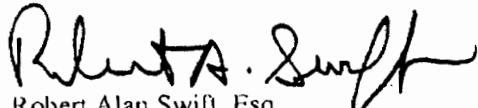
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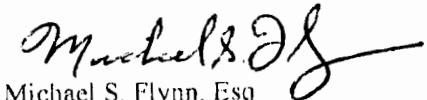
*Attorneys for Jeannette Fuller
Hansler*

Andrew C. Hall, Esq.
Roarke Maxwell, Esq.
2665 South Bayshore Drive, PH1
Miami, Florida 33133
Phone: (305) 374-5030
Fax: (305) 374-5033
Email: ahall@hlhlfirn.com
rmaxwell@hlhlfirn.com

*Attorneys for Alfredo Villoldo and
Gustavo Villoldo*

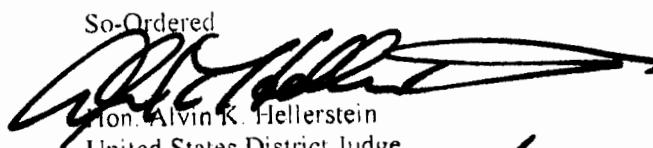
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